



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 2**  
**290 Broadway**  
**New York, NY 10007-1866**

MAR 19 2013

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**  
**Article Number: 7011 0470 0002 3728 6673**

Mr. Brian D. Wittmer  
Project Manager – Design & Construction  
Facilities Planning Department  
Buffalo State College  
DeWitt Clinton Center, Building #38  
1300 Elmwood Avenue  
Buffalo, New York 14222-1095

**Re: State University of New York College at Buffalo - Approval for Cleanup and Disposal of PCB Remediation Waste under 40 CFR §761.61(a) and Approval for Characterization and Verification Sampling under 40 CFR §761.61(c)**

Dear Mr. Wittmer:

This is in response to the December 2011 Soil Remediation Plan submitted by Woodard & Curran Engineering (Woodard & Curran) on behalf of the State University of New York (SUNY). The submittal concerns SUNY's plan to address polychlorinated biphenyls (PCB) in the soil at SUNY's campus located in Buffalo, New York. The proposed remediation plan, upon which this Approval is based, was amended by Woodard & Curran through submittal of additional information in electronic correspondence dated April 18, 2012 and August 20, 2012. These documents will be referred to as the "Application". The PCB contaminated soil is considered to be PCB remediation waste that exceeds the cleanup levels under the federal PCB regulations at 40 CFR §761.61(a)(4).

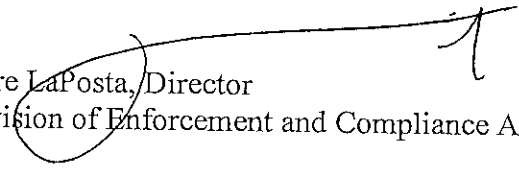
With the exception of the characterization and verification sampling requirements under Subparts N and O of 40 CFR Part 761, the proposed removal of the PCB remediation waste meets the self-implementing cleanup and disposal requirements under 40 CFR §761.61(a). Based on characterization sampling of the soil, the United States Environmental Protection Agency (EPA) finds that this sampling, in this proposed remediation context, is acceptable for delineating areas of the PCB remediation waste to be addressed. The EPA also finds that SUNY's plan for verification sampling is acceptable for purposes of determining compliance with the PCB cleanup standard for high occupancy areas of 1 part per million (unrestricted).

EPA hereby approves SUNY's Application, and it may proceed with the cleanup and disposal under 40 CFR §§761.61(a) and (c) and its Application, subject to this Approval. This Approval also constitutes an order under the authority of Section 6 of the Toxic Substances Control Act, 15 U.S.C. §2605.

Please note that this Approval does not constitute a determination by EPA that the transporters or the disposal facilities selected by SUNY are authorized to conduct the activities set forth in the Application. SUNY is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct any such activities in accordance with all applicable federal, state and local statutes and regulations.

Should you have any questions concerning this matter, please contact Dr. James S. Haklar at (732) 906-6817 or at [haklar.james@epa.gov](mailto:haklar.james@epa.gov).

Sincerely yours,



Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance